

A regular meeting of the City Council of the City of Lodi was held beginning at 8:00 p.m. of Wednesday, August 19, 1964, in the City Hall Council Chambers.

ROLL CALL PRESENT: Councilmen - CULBERTSON, DOW, KIRSTEN,
WALTON and BROWN (Mayor)

ABSENT: Councilmen - None

Also present were City Manager Graves, Administrative Assistant Peterson and City Attorney Mullen.

MINUTES Minutes of August 5, 1964 were approved as written and mailed on motion of Councilman Kirsten, Dow second, after correcting the paragraph entitled "Traffic Signals at Kettleman and Hutchins" by changing the word "sidewalk" in the second sentence to "walkway."

PUBLIC HEARINGS

APPEAL -
N. O. RAY, JR.

The appeal of Maurice O. Ray, Jr. from the decision of the Planning Commission in denying his request for lot coverage variance and a side yard variance at 1201 Edgewood Drive having been continued from the meeting of August 5, 1964, Mayor Brown asked if there was anyone in the audience who wished to speak in behalf of the appeal. Mr. Ray stated that he had given his reasons for wanting the variances at the previous meeting and that he could not make a decent looking enclosure for the swimming pool if he changed it to comply with the side yard requirement. There were no other persons in the audience for or against the appeal. Councilman Walton said he did not believe the regulations should be inflexible. He said that none of the neighbors had protested and he was concerned about Mr. Ray's son who needed year-around use of the pool. He felt that granting the variances would not be detrimental to the public health and welfare. On the other hand, Councilman Kirsten felt granting the variances would be detrimental, that other families had children with health problems, that not allowing the variances would not be a hardship according to the material on variances from the City Attorney, that the Planning Commission members were acting in good faith when they made their decision and were more competent to do so, and therefore there was no justification for granting the appeal. Councilman Culbertson said that one of the problems could be taken care of in that it was possible to conform to the 5-foot side yard regulations and that it would also be possible to come close to the lot coverage requirement. He felt that the only hardship was the care of the child, but that Mr. Ray had not tried to conform to the zoning regulations. Councilman Dow said it was an unusual home which should be consistent with the neighborhood and that the variance should be considered in relation to the neighborhood and as an individual problem. City Manager Graves said that requirements were minimum and that if the Council were going to change the standards, in fairness to others, the administration should know what those standards are. Other people have tough problems, but accept the regulations on the word of the administration. Mayor Brown said that he had looked at the property and felt that Mr. Ray would have had

Minutes of August 19, 1964 continued

no problem if he had planned the pool and enclosures to conform to the zoning requirements; therefore, the Mayor was not in favor of granting the appeal. Councilman Walton said that it has not been shown that Mr. Ray's plans are detrimental to the neighborhood. Councilman Kirsten moved that the appeal of Mr. Ray from the decision of the Planning Commission in denying his request for a variance in the side yard requirements and a variance in the lot coverage requirements at 1201 Edgewood Drive be denied. His motion was seconded by Councilman Culbertson and passed by the following vote:

AYES: Councilmen - CULBERTSON, KIRSTEN and BROWN

NOES: Councilmen - DOW and WALTON

MEETING WITH
PLANNING
COMMISSION

City Manager Graves asked if the Council would like to have a meeting with the Planning Commission to discuss the purpose of planning. Councilman Dow moved that the City Manager schedule a meeting with the Planning Commission when convenient after the new Planning Director has been appointed. The motion was seconded by Councilman Walton and carried by the following vote:

AYES: Councilmen - DOW, WALTON and BROWN

NOES: Councilmen - CULBERTSON and KIRSTEN

PLANNING COMMISSION

ACTIONS

Mr. Graves reported the following actions of the Planning Commission taken at its meeting of August 10:

1. Approved the tentative subdivision map of Twin Oaks West. The subdivision is a 25-acre parcel located on the west side of Mills Avenue from Capell Drive north to Son Ray Manor.
2. Approved the request of Mrs. Frieda Permann for a use permit to operate a one-operator beauty shop in the R-3 zone at 1206 South Hutchins Street where a similar shop is now being operated by G. R. Dickhoff.

REZONING N/S
KETTLEMAN BTW
HAM AND FAIRMONT

The Planning Commission recommended the rezoning from the R-1 and R-2 single family zone and the R-3 multiple family residential zone to the C-P commercial-professional office zone for the 5.5 acre parcel located along the north side of Kettleman Lane between Fairmont Avenue and Ham Lane. On motion of Councilman Culbertson, Kirsten second, the proposal was set for hearing on September 2, 1964.

DRAINAGE -
TWIN OAKS
WEST SUBD.

The City Manager presented the tentative map of Twin Oaks West in order to show the Council the location of 3½ acres which the subdivider has offered to sell to the City in order to provide storm drainage by ponding. The subdivider is willing to sell the property for the same price paid for it and will let the City defer payment. A patch of trees which should be preserved is on this property. This site fits in with the City's ponding plan. Adjacent land will eventually be required for the full size of the ponding basin. Councilman Dow moved that the City Manager be authorized to negotiate with the subdivider for the 3½ acres, based on his offer. The motion was seconded by Councilman Culbertson and carried.

Minutes of August 19, 1964 continued

COMMUNICATIONS

NAPA RE SCHOOL SITES

A resolution was received from the City of Napa encouraging the continued provision of adequate school sites and joint recreation use. The communication was ordered filed on motion of Councilman Culbertson, Dow second.

LEGION INVITATION

Mayor Brown said an invitation had been received from the Lodi Post of the American Legion to attend their installation of officers on August 21, 1964.

REPORTS OF THE CITY MANAGER

CLAIMS

Claims in the amount of \$141,506.92 were approved on motion of Councilman Dow, Kirsten second.

SPECS - LIBRARY FLOOR COVERING

Mr. Graves stated that the City Librarian, Mr. Leonard Lachendro, had checked with different suppliers and that there was only one grade of 1/8" vinyl asbestos tile. Therefore the specifications for floor covering for the Library as presented at the meeting of August 5 were adequate. On motion of Councilman Dow, Kirsten second, the City Council adopted the specifications as presented and authorized calling for bids thereon.

TRAFFIC SIGNALS HUTCHINS AND KETTLEMAN INTERSECTION

Concerning the traffic signals which the Division of Highways wishes to install in cooperation with the City and County at the Hutchins-Kettleman Lane intersection and the State's recommendation that the southerly driveway on the west side of the Mar Val Market be eliminated, Mr. Graves reported that he had talked to the Mar Val owners and they are willing to have the driveway closed provided they do not have to bear any of the expense. The costs of the signals to the City is estimated at \$8,184. The balance of the costs will be shared by the County and the State. Mrs. Wayne Cofer, Lowe's Village, read a letter from the Lowe's Village Safety Committee stating it would be a waste of taxpayers money to put pushbutton "Walk"- "Don't Walk" signals at Hutchins and Kettleman because that route is unsafe for school children and impractical for children going to recreational facilities. The Committee has contacted the owners of the businesses at this intersection and they are of the opinion that the intersection is very dangerous, a great hazard and definitely unsafe for small children. The route that has been used in past years (crossing Kettleman at Church Street) is considered safest for the children. Mrs. Cofer said she had talked to Mr. Robert Tamblin, Principal at Leroy Nichols School, who said that the school patrol could not be stationed at the ~~Church~~ Hutchins-Kettleman intersection because according to regulations it was too far from the school. Mr. Devern Darnell, 212 Charles Street, and Mr. Warren Roach, 1036, South Central Avenue, partners in the Richfield Service Station at the Hutchins-Kettleman intersection, stated that this area was very hazardous for children and that routing them past the service station would create problems. They were in favor of stop lights but not the "Walk-Wait" signals. Councilman Culbertson said that he doubted there was any way to solve the problem short of a crossing guard, bus, or car transportation. He recognized that the parents have a real problem, but hesitates to recommend flashing lights or signals at Church Street against the recommendation of the people who try to make the highways safe (State Division of Highways). He stated that up to a certain point statistics show that signs and signals are more

Minutes of August 19, 1964 continued

hazardous than nothing. Councilman Walton agreed that a flashing light was not the answer. Nevertheless, traffic lights were needed at the Hutchins-Kettleman intersection even though it does not help the people of Lowe's Village. Councilman Walton stated these people should continue to seek a solution; perhaps authority at a higher level could do something. Councilman Culbertson moved that the City approve the cooperative installation of traffic signals, safety lighting and curbs at the Kettleman-Hutchins/West Lane intersection as outlined by the State Division of Highways. His motion was seconded by Councilman Dow and carried.

SPECS -
SUBD. PAVING

Specifications for Subdivision Paving - 1964 were presented for Council approval. On motion of Councilman Dow, Kirsten second, the Council adopted the specifications and authorized calling for bids on the Subdivision Paving Project.

SPECS -
BASIN A-1
STRUCTURES

On motion of Councilman Culbertson, Dow second, the Council adopted the preliminary plans and specifications for A-1 Retention Basin Structures and Piping and authorized advertising for bids thereon.

ELEMENTARY
SCHOOLS
AGREEMENT
C-1 BASIN

City Manager Graves said an agreement had been drawn up with the Lodi Elementary School District for use of approximately 2½ acres of the school site east of the freeway as a part of the Basin C-1 ponding area. The agreement provides that the use of the land is an extension of the reciprocal use agreement which the City has with the School District for recreation facilities. Under the new agreement the City will have the right to excavate for ponding. On motion of Councilman Culbertson, Dow second, the Council accepted the agreement and authorized its execution by the Mayor.

PENSION
BOARD
APPOINTMENTS

Members of the Retirement System have elected Donald Cockayne and Darrell Wilson as the employee members on the Pension Board and are requesting acceptance by the Council. Mayor Brown nominated Councilman Dow to take his place on the Pension Board. On motion of Councilman Culbertson, Kirsten second, the City Council confirmed the appointments of Donald Cockayne and Darrell Wilson to the Pension Board and appointed Councilman Orwin Dow to replace Mayor Brown on said Board.

UTILITY
EXTENSION
POLICY

Mr. Graves explained that the owner of a lot in the Walnut Orchard Tract wanted some information concerning utility services to his lot. The Walnut Orchard Tract was subdivided in 1947 at which time the City installed the utilities at no cost to the developer. All the lots in the subdivision have utility service except this one lot. Mr. Graves' understanding is that the utilities should be extended under the City's present policy and not the policy that was in effect in 1947, but he wished to have the determination of the Council on this policy. Mr. Wendel Davis, 601 Palm Avenue, owner of the lot, said that he had assumed the lot was provided with utilities or would be when he bought it, but discovered under the present policy of the City he would have to pay for the utilities. No mention of a problem with utilities had been made when he purchased the lot. After discussion of this and similar situations in the City, it was moved by Councilman Dow, Culbertson second, that the Council reaffirm its policy that extension of utilities is to be done

Minutes of August 19, 1964 continued

under present regulations and confirm the understanding of the City Manager in regard to the lot of Mr. Davis. Motion carried.

ORDINANCES

JUNK YARDS

ORD. NO. 768
ADOPTED

ORDINANCE NO. 768, entitled "AN ORDINANCE AMENDING SECTION 27 OF THE CODE OF THE CITY OF LODI REGARDING USE PERMITS FOR JUNK YARDS" having been introduced at the regular meeting of August 5, 1964, was brought up for passage on motion of Councilman Dow, Kirsten second. Second reading was omitted after reading by title and the ordinance was then passed, adopted and ordered to print by the following vote:

AYES: Councilmen - CULBERTSON, DOW, KIRSTEN,
WALTON and BROWN

NOES: Councilmen - None

ABSENT: Councilmen - None

REZONING 1335 W. LOCKEFORD TO C-P

ORD. NO. 769
ADOPTED

ORDINANCE NO. 769, entitled "AMENDING THE OFFICIAL DISTRICT MAP OF THE CITY OF LODI AND THEREBY REZONING LOT 1, RODINE SQUARE, TO BE IN THE C-P COMMERCIAL-PROFESSIONAL OFFICE ZONE" having been introduced at the regular meeting of August 5, 1964, was brought up for passage on motion of Councilman Culbertson, Dow second. Second reading was omitted after reading by title and the ordinance was then passed, adopted and ordered to print by the following vote:

AYES: Councilmen - CULBERTSON, DOW, KIRSTEN,
WALTON and BROWN

NOES: Councilmen - None

ABSENT: Councilmen - None

REPORTS OF THE CITY MANAGER (Continued)

CORBIN LANE ACCEPTED

RES. NO. 2754
ADOPTED

Mr. Graves stated that Corbin Lane 70 feet west of Alto Way to Lower Sacramento Road in the Westdale Subdivision has been completed and is ready for acceptance by the City. On motion of Councilman Walton, Dow second, the City Council adopted Resolution No. 2754 accepting the above portion of Corbin Lane in the Westdale Subdivision.

LOWE'S VILLAGE CHILDREN

Councilman ^{Kirsten} expressed concern that the traffic lights might not be in at the intersection of Hutchins and Kettleman when school starts and a crossing guard might be needed again for the Lowe's Village children. It was decided to have this matter placed on the September 2 agenda.

1964-65 TAX RATE

RES. NO. 2755
ADOPTED

Mr. Graves stated that with the present tax rate the City would be budgeting to a balance of approximately \$33,000. He said that the Council's policy in the past has been to leave some balance. Councilman Culbertson stated that the money was needed for the capital improvement projects, that the voters had turned down a bond issue, and that the 18¢ raise in taxes last year had not done much good. Some people apparently prefer to pay for the City's needs on a pay-as-you-go basis. He felt the tax should be raised 50¢. Councilman Kirsten said the low tax rate was the worst kind of false economy when the City is faced with capital improvements; costs go up and the longer the delay, the more the people will have to pay.

Minutes of August 19, 19, 1964 continued

Councilman Dow agreed that the City could not continue with a low tax, but felt that a 50¢ increase might be hard for the property owners. He said there should be some other way to obtain the revenue, such as raising the water rates. Councilman Walton said that the City should know what it is going to do with the money before raising taxes. City Manager Graves said there are so many capital needs, that there would be no trouble in spending the money. He said an increase in taxes would serve to reduce a bond issue. Mr. Fred Kleymeyer, 900 Mariposa, said that the City had gotten along in the past, but with the improvements scheduled the City needs to raise more money. He said there was nothing wrong in accumulating funds, and that the Council should boost utility charges. Mr. Robert Houston, 824 Mariposa, agreed with Mr. Kleymeyer; he said the needs in Lodi will continue and the City should use every revenue tool possible. In his opinion, the sewer rates are too low. Mr. Graves said the problem was not the rates for the City's utilities, but the amount of the utilities revenue going into the General Fund. Councilman Culbertson moved that the Council adopt Resolution No. 2755 setting the following tax rate for 1964-65:

General Fund	\$1.00
Pension Fund .....	.2275
Storm Drainage .....	.20
Sewage .....	.0725
Library .....	.18
Total	\$1.68

Mr. Culbertson's motion died for lack of a second. Councilman Kirsten moved that the Council adjourn to August 26, 1964 for the purpose of setting the tax rate. His motion was seconded by Councilman Walton. Councilman Dow moved that he be allowed to make a substitute motion to set the tax rate at \$1.48. His motion was seconded by Mayor Brown. The motion carried by the following vote:

AYES: Councilmen - DOW, WALTON and BROWN

NOES: Councilmen - CULBERTSON and KIRSTEN

Councilman Dow then moved the adoption of Resolution No. 2755 setting the 1964-65 tax rate as follows:

General Fund	\$1.00
Pension Fund .....	.10
Storm Drainage .....	.20
Library .....	.18
Total	\$1.48

His motion was seconded by Councilman Walton and failed by the following vote:

AYES: Councilmen - DOW and BROWN

NOES: Councilmen - CULBERTSON, KIRSTEN and WALTON

Councilman Walton moved the adoption of Resolution No. 2755 setting the 1964-65 tax rate as follows:

General Fund	\$1.00
Pension Fund .....	.20
Storm Drainage .....	.20
Library .....	.18
Total Tax Rate	\$1.58

Minutes of August 19, 1964 continued

The motion was seconded by Councilman Dow and carried by the following vote:

AYES: Councilmen - DOW, WALTON and BROWN

NOES: Councilmen - CULBERTSON and KIRSTEN

ADJOURNMENT

There being no further business, the Council adjourned at 11:05 p.m. on motion of Councilman Dow, Kirsten second.



Attest: BEATRICE GARIBALDI
City Clerk